DPI/646

DPI/646 UN

HUMAN RIGHTS

50 *questions and answers about human rights and United Nations activities to promote them*

United Nations

THE UNITED NATIONS CHARTER AND HUMAN RIGHTS

Preamble

WE THE PEOPLES OF THE UNITED NATIONS
DETERMINED

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small. . .

HAVE RESOLVED TO COMBINE OUR EFFORTS
TO ACCOMPLISH THESE AIMS. . .

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international, economic, social, health, and related problems; and international cultural and educational co-operation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in co-operation with the Organization for the achievement of the purposes set forth in Article 55.

Introduction

When the founding fathers of the United Nations drew up the Organization's Charter at San Francisco in 1945, they established in the very first paragraph of the Preamble their fundamental objective: to save succeeding generations from the scourge of war.

In the next paragraph of the Preamble they reaffirmed faith in fundamental human rights and in the dignity and worth of the human person.

Those opening words of the United Nations Charter not only establish the priorities of purpose and of effort to which the peoples of the United Nations stand pledged, they reflect the indissoluble link between respect for human rights and human survival.

In recognition of this interdependence of human rights and world peace the United Nations took upon itself, as one of its earliest tasks, the formulation of mankind's first Universal Declaration of Human Rights as a common standard of achievement for all peoples and for all nations, large and small. The Declaration was adopted without a dissenting vote in 1948.

Eighteen years later, the Declaration was given a more precise legal form in the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the Optional Protocol to the latter Covenant. The Covenants came into force in 1976.

On 10 December 1978, the thirtieth anniversary of the Declaration was observed around the world. The United Nations General Assembly marked the occasion by holding three meetings. United Nations Human Rights Prizes were awarded at a special ceremony.

This booklet, prepared by the United Nations Department of Public Information, is intended to provide answers to basic questions about human rights, about their place and value in human society and about United Nations activities to promote them.

What are human rights?

Human rights are those conditions of life that allow us fully to develop and use our human qualities of intelligence and conscience and to satisfy our spiritual needs. We don't speak merely of biological needs when we talk about human rights.

Human rights are based on mankind's increasing demand for a life in which the inherent dignity of each human being will receive respect and protection—an idea that reaches beyond the comforts and conveniences that science and technology can provide.

Human rights are fundamental to our nature; without them, we cannot live as human beings.

To deny human beings their rights is to set the stage for political and social unrest—wars, hostility between nations and between groups within a nation—and that denial leads to urgent demands for a better life in larger freedom. Human rights, far from being an abstract subject for philosophers and lawyers, affect the daily lives of everyone—man, woman and child.

What rights are so fundamental that we cannot live like human beings without them?

Broadly speaking, two kinds of rights are recognized in the Universal Declaration. There is the traditional kind, civil and political rights, which gradually evolved over centuries during the long development of democratic society. Then there are economic, social and cultural rights, which started to be recognized more recently when people realized that possession of certain political and civil rights would be valueless without the simultaneous enjoyment of certain rights of an economic, social and cultural character.

What are civil and political rights?

They are, first of all, the right to life, liberty and the security of our persons. We must not be held in slavery, punished in an inhuman or degrading way or tortured. All of us should be equal before the law. We must not be arrested or exiled because of someone's whim. We should be entitled to a fair hearing if someone charges us with a crime, and we must be presumed innocent until proved guilty. Our privacy, family, home and correspondence must be protected against arbitrary interference. If we are persecuted, we should be able to seek asylum in another country. We should have the right to a nationality. We should be able to marry and to found a family, and our family should be entitled to protection. We should have the right to own property.

These rights also include the well-known fundamental freedoms: freedom of thought, conscience and religion, freedom of

opinion and expression, and the freedom to join with others in peaceful assembly and association, for example, in trade unions. Everyone should have the right to take part in the government of his country, through elections and through equal access with anyone else to jobs in the public service.

What are economic, social and cultural rights?

They include the right to work, to free choice of jobs, to just and favourable conditions of work and to protection against unemployment. Every man or woman should be entitled to the same pay if he or she does the same work. All should have the right to rest and leisure. An adequate standard of living is another of our rights, and that means enough food, clothing, housing, medical and social services, and social security. Mothers and children should be entitled to special care and assistance. Everyone should have the right to education, and the right freely to participate in the cultural life of the community.

Although treated separately for some purposes, the two categories of human rights—civil and political rights; and economic, social and cultural rights—are indivisible and interdependent. In other words, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible. Thus the UN General Assembly has decided that equal attention and urgent consideration should be given to the promotion and protection of both types of human rights.

Who says these are our rights?

Philosophers and the greatest figures in world history have emphasized and developed the concept of human rights over many centuries, and the UN has reaffirmed them. All the political, civil, economic, social and cultural rights mentioned here are set out in the Universal Declaration of Human Rights, which the General Assembly adopted on 10 December 1948, with not a single country voting against it.

Does that make them the law in all countries?

The Universal Declaration is a common standard of achievement for all peoples and all nations, and not a legally binding set of rules. But the mere fact that the Declaration was solemnly accepted by so many countries of such varying cultural, economic and political backgrounds implies that those countries are ready to promote the rights they have proclaimed. It is interesting to note that the Universal Declaration has been incorporated in the constitutions of a number of countries, while its wording is reflected in many other constitutions.

Why doesn't the UN go beyond the Universal Declaration and try to write these rights into law?

It has done just that, by drawing up two International Covenants on Human Rights—the Covenant on Economic, Social and Cultural Rights, and the Covenant on Civil and Political Rights. Both were adopted unanimously by the General Assembly on 16 December 1966. Another decade passed, however, before the Covenants were ratified by the required number of countries to bring them into force. The Covenant on Economic, Social and Cultural Rights came into force on 3 January 1976, when the number of ratifying countries reached 35. The Covenant on Civil and Political Rights came into effect on 23 March 1976, with the same number of ratifications or accessions.

Once the Universal Declaration was adopted, why did it take 18 years to complete the Covenants?

The task was complicated by many factors. There was the problem of defining the various rights and of deciding which were so fundamental that they should be included. While all UN Members agree on the importance of recognizing human rights, their differing legal and political systems and their varied economic, social and cultural development sometimes lead them to different views on rights. There was the difficult nature of the subject: human rights touch on the most sensitive areas of an individual's relationship to his society and his State. There was the task of striking a balance between international concern over human rights violations and the reluctance of States to surrender to international machinery their traditional authority over human rights questions affecting their citizens.

How do the Covenants differ from the Declaration?

They are legally binding treaties between the States which ratify them. They contain "measures of implementation"—that is, arrangements for international review of the way in which States carry out their obligations under the Covenants.

Since they are legal instruments, the Covenants define the various rights more precisely. For example, the article on guarantees for a person charged with a crime lists seven minimum guarantees, including the right to a prompt trial and to legal assistance. A few rights mentioned in the Declaration are not dealt with in the Covenants; some rights not mentioned in the Declaration are set out in the Covenants—notably, the right of self-determination.

What is the right of self-determination?

It is the right of all peoples to determine their political status and to pursue their economic, social and cultural development. That includes the right of peoples freely to dispose of their natural wealth and resources. Because it is a political, an economic and a social right, and because of its importance, the General Assembly inserted the right of self-determination in article 1 of both Covenants.

Are all of the rights set out in the Covenants to be given effect immediately?

By and large, all of the obligations a State assumes under the Covenant on Civil and Political Rights are meant to be implemented as soon as that State ratifies the Covenant. The Covenant on Economic, Social and Cultural Rights, however, states that its provisions are to be carried out progressively. This distinction can be seen, for instance, between the right to recognition as a person before the law, which can be put into effect immediately by enactment of legal measures, and the right to education, which requires money, teachers and buildings before everybody can enjoy it.

Who is to enjoy these rights?

All the rights in the Declaration and the Covenants are to be enjoyed by all persons, without discrimination as to race, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. The principle of equality and non-discrimination is basic not only to the Covenants but to all UN activities to promote human rights.

Isn't there sometimes too much emphasis on rights and too little on duties?

Rights and duties are sides of the same coin. When the UN or anyone else calls for respect for human rights, they mean not only that *our* rights must be observed but also that we must respect the rights of others. In the words of the Declaration, "Everyone has duties to the community in which alone the free and full development of his personality is possible".

Can human rights be exercised without restriction?

Not when their exercise would interfere with the rights of others. Both Covenants provide that nothing in them should be taken to imply that anyone has the right to seek to destroy or unduly limit the rights set out in the Covenants. Other restrictions differ in detail depending on the right involved, but several articles of the Covenant on Civil and Political Rights provide that the rights dealt with shall not be subject to any restrictions except those provided by law and which are necessary to protect national security, public order, public health or morals, or the rights and freedom of others.

How can the UN be sure that States Parties live up to their promises under the Covenant?

States Parties have an obligation to report to international bodies on the measures they have taken and the progress they have made. Both Covenants provide for such a reporting procedure.

In the case of the Covenant on Economic, Social and Cultural Rights, the UN Economic and Social Council is the body which studies the periodic reports from States Parties. The Council may make general recommendations and may promote appropriate international action to assist the States Parties to implement the required measures. In the case of the Covenant on Civil and Political Rights, a special Human Rights Committee composed of independent experts has been set up, as required by the Covenant, to deal with the reports. This Committee may address general comments to the States concerned, as well as to the Economic and Social Council.

Can individuals complain about violations of their rights guaranteed by the Covenant?

Only if their countries have ratified another legal instrument which the General Assembly adopted at the same time as the two Covenants. That document is the Optional Protocol to the International Covenant on Civil and Political Rights, and it came into force at the same time as the Covenant. The procedure under the Protocol works this way: Suppose Mr. Smith, who lives in Country A, claims that his right to freedom of expression has been violated by his own Government. If his country is a Party to the Protocol and to the Covenant on Civil and Political Rights and if he has tried without success to obtain satisfaction within his country, Mr. Smith may complain to the Human Rights Committee. The Committee may then take up the complaint and forward its views to the country concerned and to Mr. Smith. The Committee reports annually to the General Assembly on its activities under the Protocol.

What happens if two States Parties disagree on whether one of them is fulfilling its obligations?

The Covenant on Civil and Political Rights provides for a procedure in case of such a disagreement. It works this way:

Suppose State A thinks that State B is not allowing an ethnic or religious minority to enjoy its culture or practice its religion. If a solution cannot be reached by direct negotiation, State A may write to the Human Rights Committee, since such minority rights are provided for in the Covenant on Civil and Political Rights. The Committee may look into the complaint and take it up with State B to try to work out a settlement. If no agreement is worked out, the Committee may report on the facts of the case.

That procedure applies only between two States which agree in advance to allow the Human Rights Committee to deal with such questions affecting them.

Will the UN be able to order a country to comply with its human rights obligations?

Although no international organ can override the authority of the supreme organs of a State, it is logical and expected that States find inspiration for their attitudes and actions, as regards the human rights of their nationals, in the international standards elaborated by the international community as represented by the UN.

Why are countries unwilling to turn their ultimate authority in human rights matters over to the UN?

Each country has its own constitution and legal system to deal with such matters, and naturally it considers that matters like human rights are best decided in accordance with its procedures and laws and customs. Moreover, the Covenant on Civil and Political Rights obliges each country which is a Party to it to ensure that, whenever someone's rights have been violated, he or she is given an effective remedy within the country.

What use is the international machinery for implementing the Covenants if countries are to have the final say in individual cases?

The main instrument at the disposal of the international community—and it can be most effective—is exposure to world opinion. The reporting procedure under the International Covenants is designed to make known the progress of each country in achieving human rights, and the obstacles encountered. The conciliation procedure is intended to help countries settle disagreements in particular cases, and Governments will be able to make use of this procedure in the knowledge that, if conciliation fails, an issue they consider important will be aired before the world. The international machinery is far from all-powerful; but this should not obscure the fact that the implementation of the Covenants is an important step forward in giving effect to international concern about human rights.

What other human rights Conventions has the UN adopted in the past 30 years?

Once the Universal Declaration of Human Rights was proclaimed in 1948, the UN immediately set out to adopt treaties on specific rights. They deal with genocide, racial discrimination, *apartheid*, refugees, stateless persons, the rights of women, and slavery. These Conventions are in effect in regard to the States which have become Parties to them.

What has been done about genocide?

Crimes perpetrated against whole groups of innocent people during the Second World War led the General Assembly, in 1948, to adopt the Convention on the Prevention and Punishment of the Crime of Genocide. Genocide is defined in the

Convention as the committing of certain acts with intent to destroy a national, ethnic, racial or religious group. Genocide is characterized as a crime under international law, whether committed in time of peace or of war. Eighty-four States are Parties to this Convention.

What about racial discrimination?

The UN has been especially concerned about racial discrimination in recent years and has devoted much action to its consideration. Many newly independent countries, with vivid memories of colonialism, have been particularly concerned at the continuance in power of régimes in southern Africa and elsewhere which are based on the dominance of a white minority over a black majority. In taking political action to try to change the policies of these régimes, the UN is aware that racial discrimination and theories of racial superiority underlie many political problems with which it has to deal. The General Assembly has condemned those racial policies frequently.

Is there a Convention against racial discrimination?

Yes, the General Assembly, in 1965, adopted the International Convention on the Elimination of All Forms of Racial Discrimination. When States become Parties to that Convention, they undertake to pursue without delay a policy of eliminating racial discrimination in all forms and promoting understanding among all races. The Convention is based on the conviction "that any doctrine of superiority based on racial differentiation is scientifically false, morally condemnable, socially unjust and dangerous, and that there is no justification for racial discrimination, in theory or in practice, anywhere".

How is the Convention being implemented?

A Committee on the Elimination of Racial Discrimination considers reports sent in by the Parties to the Convention; it makes general recommendations and reports to the General Assembly. The Committee may try to reconcile disagreements between Parties over compliance with the Convention, and may make recommendations for a solution. In a precedent-setting provision, the Convention makes it possible for individuals or groups to petition the Committee about their grievances, provided their Government has recognized the Committee's right to examine such communications.

The Convention came into force on 4 January 1969.

What else has the UN done to combat racial discrimination?

The efforts of the UN against racial discrimination are concentrated on securing implementation of the Declaration on the Elimination of All Forms of Racial Discrimination, which the General Assembly adopted unanimously in 1963. In the Declaration, the Assembly condemned racial discrimination as a violation of human rights and as an obstacle to friendly relations among nations. It pointed out that racial discrimination harms those against whom it is directed and those who practise it. While the Declaration is not binding on any country, it may be considered that those States which voted for it are under a moral obligation to live up to it.

As in the case of human rights generally, a most effective way in which the UN can combat racial discrimination is by exposing to world opinion the evils and danger of discrimination and suggesting ways to eliminate it. That is the objective of the International Day for the Elimination of Racial Discrimination,

which was commemorated for the first time in 1967. The date is 21 March, the day in 1960 when peaceful demonstrators against *apartheid* were killed in Sharpeville, South Africa.

As part of the campaign to stamp out the evils of racism and racial discrimination, the General Assembly designated the 10-year period beginning on 10 December 1973 as the Decade for Action to Combat Racism and Racial Discrimination. The goals of the Decade are to promote human rights, especially by eliminating racism and racial discrimination, to arrest any expansion of racist policies, to end racist régimes, and to isolate and dispel the fallacious beliefs contributing to racism and racial discrimination. To that end the international community is urged to implement UN instruments and decisions on the elimination of racial discrimination and to undertake a vigorous world-wide information campaign to enlighten and involve world public opinion in the struggle against racism and racial discrimination.

The Programme for the Decade included, as a major feature, the convening of a World Conference to Combat Racism and Racial Discrimination. The Conference took place in Geneva from 14 to 26 August 1978 and adopted a Programme of Action calling for such measures as comprehensive and mandatory sanctions against the racist régimes of southern Africa, elimination by Governments of all discriminatory laws and practices, laws to punish dissemination of ideas based on racial superiority or hatred, and promotion of the rights of indigenous peoples and migrant workers.

What is apartheid and what is being done about it?

Apartheid, an Afrikaans word meaning "separateness", is the South African Government's policy of racial segregation. The General Assembly has condemned that policy as a crime against humanity and has called on all States, particularly South Africa's major trading partners, to promote action to end *apartheid*.

A mandatory embargo on the provision of arms to South Africa by UN Member States was instituted by the Security Council in November 1977 following continued acts of violence and repression against the African people. It marked the first time in the history of the UN that action had been taken against a Member State under Chapter VII of the Charter, which provides for enforcement action with respect to threats to international peace and security.

A Special Committee against *Apartheid* keeps a constant watch on the situation and reports to the Assembly and the Security Council. The Commission on Human Rights has set up an expert group to look into charges of torture and ill-treatment of political prisoners and detainees and other violations of human rights in southern Africa, including trade union freedoms.

The UN sponsors world conferences and seminars on ways to eliminate *apartheid*. Among them was the World Conference for Action against *Apartheid*, held at Lagos in 1977. In a Declaration later endorsed by the General Assembly, the Conference reaffirmed the commitment of the Governments and peoples of the world to take action to eradicate *apartheid*.

The General Assembly has created three voluntary funds through which Governments, organizations and individuals can contribute to the anti-*apartheid* struggle. Another UN fund provides assistance to the people of Namibia (formerly South West Africa), a Territory which South Africa has refused to vacate in defiance of the international community and where the *apartheid* system also prevails.

To maintain the momentum of the anti-*apartheid* campaign, the General Assembly proclaimed an International Anti-*Apartheid* Year, in 1978/1979, with the aim of making world public opinion fully aware of the inhumanity of *apartheid* and its wider dangers to international peace. In addition to the International Day commemorating the Sharpeville massacre, the Assembly has designated other observances, including the International Day of Solidarity with the Struggling People of South Africa, observed on 16 June, the anniversary of the start of the 1976 uprising in Soweto and other areas, and the Day of Solidarity with South African Political Prisoners, observed on 11 October.

Is there a Convention outlawing the practice of apartheid?

Yes, the crime of *apartheid* was written into international law with the adoption by the General Assembly, in 1973, of the International Convention on the Suppression and Punishment of the Crime of *Apartheid*. This Convention provides that international responsibility for the crime of *apartheid* shall apply to individuals, members of organizations and institutions, and representatives of a State, whether residing in the State in which the acts are perpetrated or elsewhere. Persons charged can be tried by any State Party to the Convention.

This Convention, too, contains measures of implementation: the States Parties are required to report periodically to a special three-member group of the Commission on Human Rights on the steps they are taking to implement the Convention. The Convention came into force on 18 July 1976.

In an effort to wipe out *apartheid* in sports, the Assembly appealed to individual sportsmen to refuse to compete in a country having an official policy of racial discrimination in sports. Later it adopted an International Declaration against *Apartheid* in Sports. Efforts are now under way to draw up a legally binding treaty on this question.

Is the UN concerned with other types of discrimination?

The Sub-Commission on Prevention of Discrimination and Protection of Minorities, ever since it was set up in 1947, has been studying discriminatory practices based on other grounds, including religion and political opinion, as well as on race and colour. The Sub-Commission prepared the first drafts of both the Declaration and the Convention against Racial Discrimination, and has drafted similar instruments on the elimination of religious intolerance, which are still under consideration by other UN bodies.

Agencies related to the UN have also acted against discrimination in the fields of their concern. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has adopted a Convention against Discrimination in Education. The International Labour Organisation (ILO) has approved a Convention concerning Discrimination in respect of Employment and Occupation. Both Conventions call for periodic reports by Governments on what they are doing to carry out the provisions, and contain measures for settling disputes.

What about discrimination against women?

A Declaration on the Elimination of Discrimination against Women, prepared by the UN Commission on the Status of Women, was unanimously adopted by the General Assembly in 1967. Work on a legally binding international Convention on this subject began in 1974, and the General Assembly approved the final text in December 1979.

Long before the idea of the Declaration arose, the UN began promoting women's rights through a series of measures. A Convention on the Political Rights of Women, adopted by the General Assembly in 1952, provides that women shall have equal rights with men as regards voting, election to public bodies, the holding of public office and the exercise of public functions. A Convention on the Nationality of Married Women, adopted in 1957, provides that a woman's nationality shall not automatically be affected because she marries a man of another nationality. Still another UN Convention, adopted in 1962, says that no marriage shall be legal without the full and free consent of both parties, expressed in person.

Are there efforts to promote women's rights?

Besides drafting those Conventions, the Commission on the Status of Women meets every other year to examine women's advances towards equality throughout the world, and it has drawn up recommendations to improve the position of women in law and in practice. The Commission works in close co-operation with interested specialized agencies, especially ILO and UNESCO, in matters affecting economic rights and the right to education. It maintains close working relations with regional intergovernmental bodies and with non-governmental organizations.

In recent years UN work has emphasized not only equality of rights, but also equality of opportunity of men and women. Current programmes are action-oriented and emphasize the implementation in practice of international standards. Special emphasis is attached to women's role in the family, to their full integration in the economic, social and political development of their countries, and to the interrelationship of the status of women and population problems.

By proclamation of the General Assembly, 1975 was observed as International Women's Year. A feature of the Year, whose theme was "Equality, Development and Peace", was a UN-sponsored World Conference held in Mexico City. The Conference adopted a Declaration containing principles on the equality of men and women and their contribution to development and peace, as well as a World Plan of Action setting guidelines and targets for improving the status of women. Following a recommendation made by the Conference, the General Assembly proclaimed the UN Decade for Women (1976–1985), calling for sustained action to implement the World Plan and other decisions of the Conference. Another world conference will be held at Copenhagen in July 1980 to review progress made towards the goals set at Mexico City. The Assembly has also approved the creation of an International Research and Training Institute for the Advancement of Women.

What has the UN done to help refugees?

Some of the most practical work done by the UN in human rights is its assistance to refugees. There are two UN agencies with responsibility for providing protection and material assistance to refugees: the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), and the Office of the UN High Commissioner for Refugees (UNHCR). Several million victims of war, persecution and other upheavals have been the concern of these agencies.

In 1978 there were 1.76 million Palestine refugees registered with UNRWA, which provides education, health and relief services to those eligible. UNRWA has also provided emergency assistance to the large number of refugees displaced for a second time by the Middle East fighting of June 1967 and to others who suffered as a result of the fighting in southern Lebanon in 1978.

UNHCR has helped more than 20 million uprooted persons by protecting and promoting observance of their rights, providing assistance to help refugees become self-supporting and seeking permanent solutions to their problems. By 1966, the last refugee camps in Europe—some of which dated back to the end of the Second World War—were closed. Today, in Africa, Asia and Latin America, UNHCR is helping to repatriate or resettle many millions of refugees or displaced persons.

Can a Convention be helpful in aiding refugees?

The General Assembly adopted such a Convention in 1951. The Convention relating to the Status of Refugees prohibits expulsion of refugees, especially to a territory where their life or freedom would be threatened. It also specifies the kind of treatment that refugees should receive in the countries harbouring them, with regard to religion, access to courts, education, relief, labour legislation, housing and freedom of movement. A Protocol that came into force in 1967 extends the Convention to new refugee situations.

Is anything being done about the problem of stateless persons in general?

A Convention has been adopted to meet the need. The 1954 Convention relating to the Status of Stateless Persons sets out the standards of treatment for persons who do not have a nationality. In an effort to deal with the problem of reducing future statelessness, the UN in 1961 adopted a Convention to help people acquire a nationality at birth and to limit the circumstances in which they lose a nationality without acquiring another. That treaty, the Convention on the Reduction of Statelessness, came into force in 1975, but as of 1 October 1979, only 10 States had ratified or acceded to it. The complexity and variety of nationality laws make this a most difficult question, but efforts are continuing to increase the number of contracting States.

What about freedom of information?

Freedom of information, including freedom of expression and freedom of the press, is dealt with in general terms in the International Covenant on Civil and Political Rights. The General Assembly has recognized that this freedom is the touchstone of all freedoms. Efforts to embody in a written text a more precise definition of this freedom have not been successful. A main problem is that different countries have different ideas about the role of the press in society. Nevertheless, the Assembly keeps on its agenda an item on freedom of information, including proposals for a declaration and a convention on the subject.

On one aspect of this topic, the Assembly has adopted a Convention on the International Right of Correction. That Convention came into force in 1962 and is designed to enable States to have publicized in another country corrections to news dispatches published in that country which they consider false or distorted.

In 1978, the General Assembly affirmed the need to establish a new, more just and more effective world information and communication order, based on the free circulation and wider and better-balanced dissemination of information. The Assembly's action followed the adoption by UNESCO's General Conference of a Declaration on the contribution of the mass media to strengthening peace and understanding, promoting human rights and countering racism and incitement to war.

What is being done about the rights of the worker?

This is a principal concern of the International Labour Organisation (ILO), a specialized agency of the UN. The ILO has adopted 310 Conventions and Recommendations, making up an International Labour Code that deals with a wide range of rights from hours of work and minimum wages to maternity protection, from industrial accidents to employment policy. Among its Conventions is one on the abolition of forced labour and another which seeks to protect freedom of association and the right of workers to organize trade unions. The ILO gives advice to Governments on ways to ensure that labour standards are adhered to by employers and employees, and it trains workers and management on a wide range of subjects from the organization of co-operatives to the operation of social security schemes. It has special machinery for considering violations of trade union rights. Almost all the work of the ILO is concerned with safeguarding the human rights of the worker.

Does slavery still exist and, if so, is it being fought?

Yes, slavery is still to be found in the world, together with similar institutions and practices, traffic in persons, and exploitation of the prostitution of others. These matters are actively before the UN.

The main legal instruments are the Slavery Convention, approved by the League of Nations in 1926; a Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, adopted in 1956 by a UN Conference; and the 1949 Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others. Parties to the Slavery Convention pledge themselves to prevent and suppress the slave trade and bring about the complete abolition of all forms of slavery. The Supplementary Convention outlaws certain institutions and practices similar to slavery such as debt bondage, serfdom, purchase of brides, and exploitation of child labour. Parties to the Convention against the traffic in persons agree to punish those engaged in such traffic and those who exploit the prostitution of others.

Permanent machinery to give advice on the elimination of slavery and related practices was set up in 1972 in the form of a Working Group on Slavery, which reports to the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Working Group has called for measures to eradicate slavery, including land reform and reform of educational systems to ensure dissemination of technical knowledge, especially in agriculture. It has also recommended a full examination of situations that lead to forms of economic slavery, such as debt bondage, and of other practices leading to slavery.

Is special consideration being given to the rights of children?

The rights and well-being of the world's children are the prime concern of one of the best-known UN agencies, the United Nations Children's Fund (UNICEF), which works for the right of disadvantaged children in developing countries to have access to such things as proper health care and nutrition, functional education, clean drinking water and sanitation, and other basic services. UNICEF provides equipment and supplies for schools, health centres, rural water systems and other community-oriented services, and help for training the local personnel needed to make such services work. Since the mid-1970s, UNICEF has focused increasingly on supporting such

efforts at the community level, based on participation of the people of the village or urban settlement.

The framework for UNICEF's efforts is provided by the Declaration of the Rights of the Child, unanimously adopted by the General Assembly in 1959. The Assembly reiterated the need to focus world attention on these goals by declaring 1979 the International Year of the Child.

The premise of the Declaration is that mankind owes the child the best it has to give. Parents, individuals, voluntary organizations, local authorities and Governments are called on to recognize the rights and freedoms set forth and to strive for their observance. The first principle of the Declaration states that all children have the right to special protection and to be given opportunities and facilities to enable them to develop in a normal and healthy manner and in conditions of freedom and dignity.

A legally binding Convention on the rights of children is being prepared by the Human Rights Commission.

What about youth and human rights?

The UN is active in this area, too. The General Assembly, in 1965, adopted by acclamation the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples. The Declaration sets out the principles to guide not only young people but also the adults who are concerned with their education and welfare. It emphasizes the obligations of youth to society and the world. A major aim in educating the young, it declares, should be to develop all their faculties; to train them to acquire higher moral qualities; to be deeply attached to the noble ideals of peace, liberty and the dignity and equality of all men; and to be imbued with respect and love for humanity and its creative achievements. The Declaration emphasizes the important role of the family in achieving those aims.

The General Assembly has decided to proclaim an International Youth Year, to be observed in 1985.

What about the right to education?

In a world where almost half of its children grow up without any education because schools are lacking, and where four out of ten adults cannot read or write, a massive effort is needed to give substance to the right to education. To assist developing countries in school education, UNESCO is helping its member States to plan educational programmes, train teachers, build inexpensive schools, modernize their curricula and produce good textbooks. UNESCO has helped develop national literacy programmes in over 30 States and has established pilot mass literacy programmes in 14 States with the aid of the UN Development Programme.

Does the UN have any way of finding out whether Governments are promoting human rights?

Apart from the reporting procedures laid down in the two Covenants and the racial discrimination and *apartheid* Conventions, a system of regular, periodic reporting has been in effect since 1956. Under this system, the Governments of Member States report to the UN on developments with regard to human rights in their countries. The system has been modified over the years, and is kept under continuing review, but at present the Member States not Parties to the Covenants submit their reports once every two years in a continuing six-

year cycle—first on civil and political rights, then on economic, social and cultural rights, and, finally, on freedom of information. The hundreds of pages of reports are sifted by a special committee of the Commission on Human Rights. Based on the conclusions of that committee, the Commission makes recommendations to the Economic and Social Council on human rights trends in general.

Can individuals complain to the UN when they think their human rights have been violated?

Anyone in the world, or any group of persons, who feels they have been prevented from exercising a human right or fundamental freedom may complain to the UN. This is in addition to the right of individual complaint under the Optional Protocol to the International Covenant on Civil and Political Rights, mentioned earlier. In fact, tens of thousands of letters complaining of human rights violations are received each year.

How are these complaints dealt with and what action can be taken on them?

All the communications alleging human rights violations, together with any replies by Governments, are considered in private by a working group of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Any communications that appear to reveal a consistent pattern of gross violations are referred to the Sub-Commission, a body of independent experts. The Sub-Commission, on the basis of the confidential communications referred to it, determines whether to bring particular situations to the attention of its parent body, the Commission on Human Rights. The Commission, aided by a special working group, then decides whether it should carry out a thorough study or, subject to the consent of the State concerned, whether a special committee should undertake an investigation.

The Human Rights Commission has on several occasions taken measures in response to complaints from individuals that indicated large-scale violations were occurring in a particular country. Since these complaints and any replies from Governments are treated confidentially, the measures taken by the Commission are likewise confidential. However, in 1978, for the first time, the Commission did make public the names of nine countries—Bolivia, Equatorial Guinea, Malawi, the Republic of Korea, Uganda, Ethiopia, Indonesia, Paraguay and Uruguay—whose human rights situations had been recently discussed in private meetings and on which it had taken measures. In 1979, Burma was also cited.

Another UN procedure makes it possible for individuals or groups in Trust Territories to petition the UN Trusteeship Council about human rights and other matters. And people living in Non-Self-Governing Territories may send communications to the General Assembly's Special Committee on decolonization. The Assembly's Special Committee against *Apartheid* also considers communications.

Have there been any investigations undertaken on alleged human rights violations?

Allegations of serious violations of human rights in southern Africa, through the application of *apartheid* and other forms of racial discrimination, led the Human Rights Commission to establish, in 1967, a special Working Group of Experts to study the ill-treatment of prisoners and detainees in South Africa. The Group substantiated those allegations, as well as others concerning flagrant violations of trade union rights in South

Africa. It also carried out a special study of *apartheid* from the point of view of international penal law, paving the way for the anti-*apartheid* Convention. And the Group sent to the General Assembly a report on the deaths of detainees and police brutality in South Africa following the Soweto massacre of June 1976.

In 1968 the General Assembly set up a Committee of three to investigate Israeli practices affecting the human rights of the people of the occupied Arab territories. This Committee is particularly concerned with respect for the Geneva Convention relative to the Protection of Civilian Persons, and it reports each year to the Assembly on its findings.

Chile is another country subject to a human rights investigation in recent years. The Commission, in 1975, set up a special Working Group to inquire into the situation in that country following widespread reports that gross and massive violations had occurred. Its investigations revealed, in particular, institutionalized torture, as well as cruel, inhuman and degrading treatment and punishment, the disappearance of persons for political reasons, arbitrary arrests, detention and exile. The Working Group stressed the need for the Government to take effective measures to realize the economic, social and cultural rights of all the Chilean people. In July 1978, after three years of being barred by the Chilean authorities, the Working Group was allowed to make an on-the-spot investigation. It found an improvement in the situation, but said that violations, often of a serious nature, were still occurring.

Aren't there other States whose human rights situations have been examined?

Yes, there are. The Commission on Human Rights has asked Special Rapporteurs to prepare reports on the human rights situation in Equatorial Guinea as well as in Chile, following termination of the mandate of the special Working Group on Chile. Reports have been prepared on Democratic Kampuchea (formerly Cambodia) and Nicaragua, and a study by experts is under way concerning the fate of missing and disappeared persons in Chile. These reports are examined in public meetings.

What is the main UN body dealing with human rights?

The Commission on Human Rights. It consists of 43 representatives of UN Member States, and meets for five or six weeks each year to recommend ways of promoting human rights. Its terms of reference are extensive, allowing it to deal with any matter relating to human rights. The Commission may draft international conventions, decide on UN procedures for handling human rights subjects, and make recommendations on particular rights. Many of its recommendations are sent to the Economic and Social Council and the General Assembly for action. As mentioned earlier, the Commission may take direct action when presented with evidence of large-scale violations of human rights.

For its part, the General Assembly, as one of the main UN organs, may take direct action on human rights questions, as it did when it set up the Committee on human rights in the occupied Arab lands, mentioned earlier.

Are there any ways in which the UN can help Governments promote respect for human rights?

The UN does provide such assistance upon request. Its Advisory Services Programme gives assistance in three forms: advisory services of experts, fellowships and seminars. In addition, several regional training courses have been held with

the aim of familiarizing criminal justice officials with international human rights standards in criminal justice matters and with the relevant legislation and practices of other countries.

In what way will UN activities in human rights develop?

The coming into force of the International Covenants and Optional Protocol as well as the Conventions on racial discrimination and *apartheid* has brought a new era in the protection of human rights. It enables the UN to focus efforts on compliance with the international standards laid down in those treaties.

In coming years the UN will seek to encourage wider adherence to these and other human rights instruments and to oversee and strengthen their implementation. The Organization will continue to apply and strive to perfect the techniques of investigation and fact-finding.

As a result of all these efforts, we may expect a substantial increase in the number of States Parties to the various instruments. Universal adherence to one of them is an important goal. More comprehensive use of the reporting systems, combined with vigilance by reviewing bodies, should help bring about positive changes in national legislation and administrative and judicial practices. And the anticipated increased use of procedures for dealing with communications alleging rights violations should influence Governments to improve certain situations, to put an end to situations already identified as revealing large-scale violations, and to remedy individual cases.

Meanwhile, the task of elaborating new standards, through the adoption of declarations, recommendations and legally binding treaties, is continuing.

What are some of the specific areas in which new standards may be expected?

As mentioned earlier, a Convention outlawing discrimination against women has been approved and is now open for signature and ratification, and two other legally binding treaties—on *apartheid* in sports and on the rights of the child—are being prepared.

The Assembly also approved in December 1979 a Code of Conduct for Law Enforcement Officials, and recommended to Governments that it be incorporated into national legislation and practice. The drafting of a Convention outlawing torture is under way, following the adoption by the Assembly in 1975 of a Declaration on this question. And a related text, consisting of 35 principles for protecting the human rights of detained or imprisoned persons, is expected to be considered by the Assembly at its 1980 session. Work is also proceeding on the elaboration of further international standards to protect the rights of minorities, the rights of indigenous populations, the rights of migrant workers, and the rights of non-citizens. Another area being looked into is that of human rights as they are affected by scientific and technological developments. And further work is being done to promote the right of self-determination, with the aim of achieving it for all peoples still denied it.

A new concept—the right to development—has emerged, a result of increased emphasis on the realization of economic, social and cultural rights in connexion with the guarantee of civil and political rights. The Commission has stated that "the right to development is a human right and that equality of opportunity for development is as much a prerogative of nations

as of individuals". This right might be elaborated in harmony with the strategy for a new international economic order.

What can the individual do?

The first duty of the individual citizen with regard to human rights may seem so simple and obvious that many may neglect it: It is to understand what our human rights are, so that when they are violated, we can recognize the act as a violation. To take one example, when a youth of obvious ability is unable to go to college because he or she lacks the financial means, our reaction may be no more than mild sympathy. When we recognize, however, that such a situation may be contrary to the principle that higher education shall be equally accessible to all on the basis of merit, as proclaimed in the Universal Declaration of Human Rights, we may take a more serious view and try to find remedies.

Once we understand our rights, our next responsibility is to promote them—for others as well as for ourselves. That responsibility begins with the people around us, for it is in our local communities that we have most influence. Acting on our own and in concert with others in non-governmental organizations, we can remedy human rights violations and promote respect for rights at home. We can strive to enable our countries to set a good example for the rest of the world. We can learn from the experiences of others by reading about what other countries are doing to promote human rights for their peoples.

Beyond responsibilities to our local communities and our nations, each of us could learn what the UN is doing to promote human rights and inform others. We can discuss the subject with our family, friends and associates. We can encourage schools to teach human rights, and to stimulate local newspapers and magazines to write about the subject. We can arrange for speakers to address local clubs and other groups of which we are members.

We can encourage our Governments to ratify international human rights Conventions. We can make contributions to UN programmes aimed at advancing human rights, such as the UN Children's Fund, the Office of the UN High Commissioner for Refugees, the UN Relief and Works Agency for Palestine Refugees in the Near East, the UN Trust Fund for South Africa, the UN Fund for Namibia, the UN Educational and Training Fund for Southern Africa, or the UN Trust Fund for Chile.

Many of these suggestions may be adopted to even greater effect if we work through non-governmental organizations.

The problem of protecting and promoting human rights, in the broadest sense, is the main concern of the UN. Since rights are not enjoyed if a person cannot earn a living and feed a family, all of the economic and social development programmes of the international community are essentially programmes to advance human rights. Since a person cannot be free if the nation to which he or she belongs is not allowed to decide its destiny through the exercise of the right of self-determination, UN efforts to promote the granting of independence to colonial countries and peoples are basically human rights efforts. Our world consists of diverse cultures, political ideologies and racial origins, various religious beliefs and different degrees of economic development. When, out of that diversity, we develop common standards of human rights and respect for human dignity everywhere, we create a profound bond between peoples which is essential for maintaining peaceful relations among nations and for fruitful economic, social and cultural co-operation.

Almost every activity of the UN deals in one way or another with human rights for the simple reason that almost all of our daily activity is related to the exercise of human rights. One final question: Should we not, in going about our daily lives, give more thought to what the UN Charter describes in its Preamble as the determination of "We the peoples of the United Nations . . . to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small"?

DPI/646

(>F)